

### **REMARKS**

Claims 1-24 are pending in this application and under consideration. Claims 1, 9, and 17 are amended herein. Support for the amendments to claims 1, 9, and 17 may be found at page 14, lines 16-23 of the specification. Reconsideration is requested based on the foregoing amendment and the following remarks.

#### **Response to Arguments:**

The Applicants appreciate the consideration given to their arguments. The Applicants were, however, disappointed to find that their arguments were not persuasive. The final Office Action asserts that page 2, lines 14, 15, and 16, that:

As recognized by one of ordinary skill in the art, between a new piece of data and an old piece of data, the old piece of data is the oldest piece of data.

Claims 1, 9, and 17, however, do not simply recite "between a new piece of data and an old piece of data," contrary to the implication in the final Office Action. Claims 1, 9, and 17, rather, recite "the oldest *retained* character information," i.e., of all of the retained character information, the oldest is selected.

Cohen, in contrast, has many more records in the database that could be overwritten, besides the one that is selected to be overwritten. Other records in Cohen's database, in fact, may be older than the one Cohen chooses to overwrite. Cohen, rather, calculates which records can be deleted and overwritten by new database data based on whether the particular *thematic* link of the database data entry meets a database search parameter which has been input by a user, as discussed more fully below, not based on whether that particular record is the oldest of the retained records.

Nevertheless, in the interest of compact prosecution only, and not for any reason of patentability, the fifth clause of claim 1 has been amended to recite:

Retaining the character information obtained by said information obtaining unit in a way that is overwritten on the oldest retained character information of all of the retained character information.

Claims 9 and 17 have been amended similarly. Since, in Cohen, the database handling means replaces the old record with the new record if the incoming record is deemed to be more relevant in the light of the search parameters, as discussed more fully below, Cohen is not "retaining the character information obtained by said information obtaining unit in a way that is

Application Serial No. 10/043,239  
Submission with Request for Continued Examination filed October 31, 2007  
Reply to final Office Action mailed October 19, 2007

overwritten on the oldest retained character information of all of the retained character information," as recited substantially in claims 1, 9, and 17.

The final Office Action goes on to assert at page 3, lines 3-6, that:

To one of ordinary skill in the art, updating information to get most up-to-date and most relevant information is necessary and compelling in information processing systems because, otherwise, the systems would fail to cope with continuously changing need and requirements expected by users.

"Updating information to get most up-to-date and most relevant information," however, has nothing to do with whether the database data entry to be replaced is selected based on whether the particular *thematic* link of the database data entry meets a database search parameter which has been input by a user, as in Cohen, or "in a way that is overwritten on the oldest retained character information," as recited substantially in claims 1, 9, and 17.

Since Marsh describes storing programs for a *specified* period of time and then erasing them as unfortunate, and Cohen would still get the most up-to-date and most relevant information in the absence of the modification proposed in the final Office Action, it is submitted that persons of ordinary skill in the art of the time the invention was made would not have been motivated to modify Cohen as proposed in the final Office Action, since Marsh teaches away from the modification, and the modification was not necessary to Cohen in the first place. Further reconsideration is thus requested.

#### **Claim Rejections - 35 U.S.C. § 103:**

Claims 1, 2, 3, 9, 10, 11, 17, 18, and 19 were rejected under 35 U.S.C. § 103(a) as unpatentable over US Patent No. 6,931,657 to Marsh et al. (hereinafter "Marsh") in view of US Patent No. 5,737,595 to Cohen et al. (hereinafter "Cohen"). The rejection is traversed to the extent it might apply to the claims as amended. Reconsideration is earnestly solicited.

Claims 1, 9, and 17 recite substantially:

Retaining the character information obtained by said information obtaining unit in a way that is overwritten on the oldest retained character information of all of the retained character information.

Neither Marsh nor Cohen teach, disclose, or suggest "retaining the character information obtained by said information obtaining unit in a way that is overwritten on the oldest retained character information of all of the retained character information," as recited substantially in claims 1, 9, and 17. The final Office Action acknowledges this deficiency with respect to Marsh

in the first full paragraph at page 4, and attempts to compensate for it by combining Marsh with Cohen.

Cohen, however, is not "retaining the character information obtained by said information obtaining unit in a way that is overwritten on the oldest retained character information of all of the retained character information," either, and thus cannot make up for the deficiencies of Marsh with respect to claims 1, 9, and 17.

Cohen, rather, calculates which records can be deleted and overwritten by new database data based on whether the particular *thematic* link of the database data entry meets a database search parameter which has been input by a user. In particular, as described at column 7, lines 63-67, continuing at column 8, lines 1-5:

Thus, the algorithm is required to calculate which records that have already been stored within the database memory 55 can be deleted and overwritten by new database data. The main parameter of the algorithm for determining the replacement of database data is the particular thematic link of the displayable record of the database data entry to a met of database search parameter which have been input with the user commands by a user using the remote control interface 16.

Since Cohen calculates which records can be deleted and overwritten by new database data based on whether the particular thematic link of the database data entry meets a database search parameter which has been input by a user, Cohen is not "retaining the character information obtained by said information obtaining unit in a way that is overwritten on the oldest retained character information of all of the retained character information," as recited in claims 1, 9, and 17.

In Cohen, moreover, the database handling means replaces the old record with the new record if the incoming record is deemed to be relevant in the light of the *search* parameters. In particular, as described at column 8, lines 13-21:

If the database memory 55 is full, then the database handling means refers to the search parameters which correspond to the current input user commands, if they exist, as represented by block 81. If the incoming record is deemed to be relevant in the light of the search parameters, then the database handling means calculates which records may be deleted and overwritten by the incoming record and replace the old record with the new record.

Since, in Cohen, the database handling means replaces the old record with the new record if the incoming record is deemed to be relevant in the light of the search parameters, Cohen is not "retaining the character information obtained by said information obtaining unit in a way that is

Application Serial No. 10/043,239

Submission with Request for Continued Examination filed October 31, 2007

Reply to final Office Action mailed October 19, 2007

overwritten on the oldest retained character information of all of the retained character information," as recited in claims 1, 9, and 17. Thus, even if Marsh and Cohen were combined as proposed by the final Office Action, the claimed invention would not result.

Marsh, moreover, teaches away from the modification proposed by the final Office Action in the section entitled "Background," where he describes storing programs for a specified period of time, i.e. until they are the oldest, and then erasing them as unfortunate. In particular, as described at column 1, line 62-67:

Unfortunately, these conventional devices tend to be relatively unsophisticated in that they only record user definable programs and/or service provider suggested channels. Moreover, these devices employ circular buffering techniques, wherein programs are recorded to a hard drive, stored for a specified period of time, and then erased (viewed or not) to make room for a later recorded program.

Since Marsh describes storing programs for a *specified* period of time and then erasing them as unfortunate, it is submitted that persons of ordinary skill in the art who read Marsh for all it contained would not have viewed overwriting "the oldest retained character information of all of the retained character information" as making good sense either. Claims 1, 9, and 17 are submitted to be allowable. Withdrawal of the rejection of claims 1, 9, and 17 is earnestly solicited.

Claims 2, 3, 10, 11, 18, and 19 depend from claim 1, claim 9, or claim 17 and add further distinguishing elements. Claims 2, 3, 10, 11, 18, and 19 are thus also submitted to be allowable. Withdrawal of the rejection of claims 2, 3, 10, 11, 18, and 19 is also earnestly solicited.

Claims 1-4, 9-12, and 17-20:

Claims 1-4, 9-12, and 17-20 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,751,401 to Arai *et al.* (hereinafter "Arai") in view of Marsh and Cohen. The rejection is traversed to the extent that might apply to the claims as amended. Reconsideration is earnestly solicited.

Neither Marsh nor Cohen teach, disclose, or suggest "retaining the character information obtained by said information obtaining unit in a way that is overwritten on the oldest retained character information of all of the retained character information," as discussed above with respect to the rejection of claims 1, 9, and 17 over the combination of Marsh and Cohen. Arai does not either, as acknowledged graciously by the final Office Action in the first full paragraph at page 6. Thus, even if Arai, Marsh, and Cohen were combined as proposed in the final Office Action, the claimed invention would not result.

Marsh, moreover, teaches away from the modification proposed by the final Office Action in the section entitled "Background," where he describes storing programs for a specified period of time and then erasing them as unfortunate. Claims 1, 9, and 17 are submitted to be allowable. Withdrawal of the rejection of claims 1, 9, and 17 is earnestly solicited.

Claims 2, 3, 4, 10, 11, 12, 18, 19, and 20 depend from claim 1, claim 9, or claim 17 and add further distinguishing elements. Claims 2, 3, 4, 10, 11, 12, 18, 19, and 20 are thus also submitted to be allowable. Withdrawal of the rejection of claims 2, 3, 4, 10, 11, 12, 18, 19, and 20 is also earnestly solicited.

Claims 1, 2, 3, 5, 9, 10, 11, 13, 17, 18, 19, and 21:

Claims 1, 2, 3, 5, 9, 10, 11, 13, 17, 18, 19, and 21 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Application Publication No. 2002/0120925 to Logan et al. (hereinafter "Logan") in view of Cohen. The rejection is traversed to the extent that might apply to the claims as amended. Reconsideration is earnestly solicited.

Neither Logan nor Cohen teach, disclose, or suggest "retaining the character information obtained by said information obtaining unit in a way that is overwritten on the oldest retained character information of all of the retained character information," as recited substantially in claims 1, 9, and 17. The final Office Action acknowledges this deficiency with respect to Logan in the first full paragraph at page 9, and attempts to compensate for it by combining Logan with Cohen.

Cohen, however, is not "retaining the character information obtained by said information obtaining unit in a way that is overwritten on the oldest retained character information of all of the retained character information," either, as discussed above with respect to the rejection of claims 1, 9, and 17 over the combination of Marsh and Cohen, and thus cannot make up for the deficiencies of Logan with respect to claims 1, 9, and 17. Thus, even if Logan and Cohen were combined as proposed in the final Office Action, the claimed invention would not result. Claims 1, 9, and 17 are submitted to be allowable. Withdrawal of the rejection of claims 1, 9, and 17 is earnestly solicited.

Claims 2, 3, 5, 10, 11, 13, 18, 19, and 21 depend from claim 1, claim 9, or claim 17 and add further distinguishing elements. Claims 2, 3, 5, 10, 11, 13, 18, 19, and 21 are thus also submitted to be allowable. Withdrawal of the rejection of claims 2, 3, 5, 10, 11, 13, 18, 19, and 21 is also earnestly solicited.

Application Serial No. 10/043,239

Submission with Request for Continued Examination filed October 31, 2007

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Claims 6, 7, 8, 14, 15, 16, 22, 23, and 24:

Claims 6, 7, 8, 14, 15, 16, 22, 23, and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Logan and Cohen in view of Arai. The rejection is traversed to the extent that might apply to the claims as amended. Reconsideration is earnestly solicited.

Claims 6, 7, 8, 14, 15, 16, 22, 23, and 24 depend from claim 1, claim 9, or claim 17 and add further distinguishing elements. Neither Logan nor Cohen teach, disclose, or suggest "retaining the character information obtained by said information obtaining unit in a way that is overwritten on the oldest retained character information of all of the retained character information," as discussed above with respect to the rejections of claims 1, 9, and 17. Arai does not either, as acknowledged graciously by the final Office Action in the first full paragraph at page 6, and thus cannot make up for the deficiencies of either Logan or Cohen with respect to any of claims 6, 7, 8, 14, 15, 16, 22, 23, and 24. Thus, even if Logan, Cohen, and Arai were combined as proposed in the final Office Action, the claimed invention would not result. Claims 6, 7, 8, 14, 15, 16, 22, 23, and 24 are thus also submitted to be allowable. Withdrawal of the rejection of claims 6, 7, 8, 14, 15, 16, 22, 23, and 24 is also earnestly solicited.

**Conclusion:**

Accordingly, in view of the reasons given above, it is submitted that all of claims 1-24 are allowable over the cited references. Allowance of all claims 1-24 and of this entire application is therefore respectfully requested.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Application Serial No. 10/043,239

Submission with Request for Continued Examination filed October 31, 2007

Reply to final Office Action mailed October 19, 2007

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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